

REMARKS

Reconsideration of the present application as amended is requested.

It is noted that the previous rejections under 35 USC §112 have been withdrawn.

An additional Terminal Disclaimer has been submitted to overcome the double patenting rejection over U.S. Patent No. 6,460,706.

In order to put this case in condition for allowance, or better form for appeal, all the pending claims have been canceled except for independent Claims 39 and 44. Claim 44 has been further amended to require interleaved discs on the shafts, and to provide antecedent basis for the first and second vertically inclined regions and the trough.

Claim 39, which stands rejected for anticipation over Lindberg, specifically calls for the discs to be spaced so that mixed recyclable materials deposited onto a trough of a generally V-shaped disc screen made up of the discs will be divided into streams passing: 1) through the discs; 2) over the upper ends of the inclined regions; and 3) off a lower end of the trough. The discs of Lindberg are not spaced in this fashion, and indeed, column 2, lines 41-45, indicate that the outermost disc rows 38 "act as fences to contain material on the bed of discs and project any material reaching such discs toward the longitudinal axis of the apparatus." Thus, Lindberg does not meet the spacing limitation for the discs as set forth in independent Claim 39 that allows materials to pass over the upper ends of the inclined regions. The foregoing is a structural limitation, and not a statement of intended purpose. Accordingly, withdrawal of the lack of novelty rejection of Claim 39 is requested.

Claim 39 also stands rejected for obviousness over Lindberg in view of Kobayashi. There is nothing in Kobayashi which would suggest to a person of ordinary skill in the art that the disc screen apparatus of Lindberg should be modified so that streams of material can be passed up and over the outermost disc rows 38. Indeed, such a modification of Lindberg would go against the

express teachings thereof in column 2, lines 41-45. This text of Lindberg indicates that the purpose of the outermost disc rows 38, which are inwardly canted, is to act as fences to contain material on the bed of discs and project any material reaching the disc rows 38 back toward the center of the disc screen apparatus. Accordingly, withdrawal of the obviousness rejection of Claim 39 over Lindberg in view of Kobayashi is requested.

Claim 39 has also been rejected for obviousness over Lindberg in view of Applicants' allegedly admitted prior art and Kobayashi. The cited paragraphs of Applicants' specification (§§s 25-29) merely indicate that mechanical *details* need not be set forth in the specification. Configuring a V-shaped disc screen in order that mixed recyclable materials be divided into separate streams passing through the discs, off a trough formed by the discs, and over the upper ends of inclined regions formed by the discs is not a detail, but rather a fundamental configuration of Applicants' claimed invention. It is well established that Applicants' own specification cannot be used as a roadmap to make a case for obviousness. The examiner has cited Kobayashi merely for the teaching of a blower means to aid in separation. Accordingly, withdrawal of the obviousness rejection of Claim 39 over the combination of Lindberg, Applicants' own specification and Kobayashi is requested.

Claim 44 has been rejected for alleged obviousness over Lindberg in view of Tirschler. The examiner contends that it would have been obvious to substitute the shaft end feature of Tirschler into the disc screen of Lindberg. Applicants' do not concede this point. However, even assuming that Lindberg were modified in this fashion, the result would still not be the apparatus of independent Claim 44 which requires that the first and second vertically inclined regions be configured so that a portion of the stream of mixed recyclable materials deposited onto the trough can be conveyed up the inclined regions and over a pair of terminal upper ends of the inclined regions. This is a structural limitation in Claim 44, which is not met by the examiner's proposed combination of Lindberg and Tirschler. Accordingly, withdrawal of the obviousness rejection of Claim 44 over Lindberg and Tirschler is requested.

The subject application is in condition for allowance and notification to this effect is solicited. No additional fee is due at this time, other than the Terminal Disclaimer fee which is transmitted with the Terminal Disclaimer.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael H. Jester", with a stylized flourish at the end.

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